

**North American Security & Investigations, Inc.**

**Drug and Alcohol Policy**

**REVISED: June 12, 2019**

APPLICABLE TO ALL NASI EMPLOYEES,  
INCLUDING THOSE COVERED UNDER  
U.S. DEPARTMENT OF TRANSPORTATION  
(U.S.D.O.T.) AND FEDERAL TRANSIT ADMINISTRATION (FTA) DRUG AND ALCOHOL  
TESTING REGULATIONS AND GUIDELINES

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All provisions set forth in bold face print are included consistent with requirements specifically set forth in 49 CFR Part 655, or Part 40, CFR Part 29.

All provisions in non-bold type are set forth under the authority of Company policy.

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**Exhibit A - Employee Acknowledgment of Policy Summary Review**

## **ALCOHOL AND DRUG FREE WORKPLACE PROGRAM**

### **I. STATEMENT OF PURPOSE**

North American Security & Investigation, Inc. hereafter collectively known as NASI, recognizes that substance abuse in the workplace is a major concern. It affects not only job performance and the work environment but also undermines the public's confidence in NASI and the safety of its operations. We believe that by identifying substance abuse, we will improve the safety, health, and general well-being of our employees.

**For this reason, and as is required by the U.S. Department of Transportation (U.S.D.O.T.) under 49 CFR Part 40, as amended; 49 CFR Part 655, as amended, and for those employees so covered, NASI has established pre-employment and in-service drug and alcohol testing procedures to prevent the hiring and employment of individuals who use illegal drugs or whose legal use of alcohol or other drugs indicates a potential for impaired or unsafe job performance. Drug and alcohol testing of all DOT-covered employees will be administered in strict accordance with Federal Transit Administration (FTA) requirements and rules, specifically in accordance with 49 CFR Part 40, as amended, and will include pre-employment, random, reasonable suspicion, post-accident, and any other type drug or alcohol testing of employees as required. A copy of these regulations is available upon request.**

**In addition, DOT has published 49 CFR Part 29, implementing the Drug-Free Workplace Act of 1988, which requires the establishment of drug-free workplace policies and the reporting of certain drug-related offenses to the FTA.**

**All NASI employees are subject to the provisions of the Drug-Free Workplace Act of 1998 that prohibit the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance in the covered workplace.**

**All covered employees are required to submit to drug and alcohol tests as a condition of employment in accordance with 49 CFR Part 655.**

Additionally, under this policy, NASI declares its intention to test NON-DOT regulated employees including pre-employment, reasonable suspicion, post-accident, and any other type drug or alcohol testing of employees as required.

### **II. COVERAGE AND IMPLEMENTATION**

Effective immediately, NASI is herewith informing each of its employees of NASI's commitment to an alcohol and drug free workplace. In complying with this Policy, NASI will (a) establish an ongoing program to ensure an alcohol and drug free workplace; (b) maintain an effective, safe and healthy workplace for all employees and those others exposed to the worksite, including the general public; (c) safeguard the property and operations of NASI and its customers; and (d) provide direction for alcohol and drug abuse assistance. This drug and alcohol policy was implemented and made effective on September 1, 2008.

In implementing this Policy, NASI will:

- a. Inform its employees of the hazards of using alcohol and illegal substances;

- b. **Consistent with U.S. and State Department of Transportation regulations and Federal and state disability laws, screen its DOT-covered and NASI employees for the bodily presence of alcohol and illegal substances;**
- c. Consistent with Federal and state disability laws, prohibit substance abusers from becoming NASI employees.

### III. SCOPE

**The policies outlined in this Alcohol and Drug Free Workplace Program apply to all DOT/FTA and non-DOT employees of each NASI operating location and office as well as contractors and their agents working at or granted permission to enter NASI premises.**

### IV. DEFINITIONS

**Alcohol** - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols, including methyl or isopropyl alcohol.

**Company** – The Company, as the term is used in this Program, includes North American Security & Investigations, also referred to as NASI, its divisions, subsidiaries, and affiliated companies.

**Contractor** - An outside party called upon by NASI to perform a task, to provide a service or to provide temporary personnel for NASI. The term "contractor" also includes suppliers of goods and services (excluding common carriers) whose agents must enter NASI premises.

**Controlled Substance** - Any substance as defined in the Controlled Substance Act (21 USC 812).

**Covered Employee** – an employee whose drug testing requirements are mandated by the DOT/FTA; also, refers to that class of employee (e.g., “non-safety sensitive”) who is subject to drug and alcohol testing under NASI (i.e., non-DOT) policy.

**D.O.T. or DOT** – U.S. Department of Transportation

**Drug Free Workplace** - An employment setting where all employees adhere to a program of policies and activities designed to provide a safe workplace, discourage alcohol and drug abuse and encourage treatment, recovery and the return to work of those employees with such abuse problems.

**FTA** – Federal Transit Administration, an administrative agency of the DOT

**Illegal Drugs** - Any drug which is prohibited by Federal law (e.g. cocaine, marijuana, etc.), any drug that is legally obtainable but which has not been legally obtained, and any prescribed drug which is not being used as prescribed and manufactured.

**Legal Drugs** - Prescribed drugs and over-the-counter drugs that have been (under U.S. law) legally obtained and are being used for their intended purpose, or as prescribed and manufactured.

**On Duty** - The term “on duty” includes all working hours as well as meal periods and break periods, regardless of whether on premises. In addition, any time during which an employee would be considered covered by NASI Workers' Compensation insurance is included in the definition of “on duty” regardless of whether on premises.

**Covered Employees/Safety-Sensitive Position** - For the purpose of the DOT/FTA Program, a Safety-Sensitive Position is defined as:

- **Operation of a revenue service vehicle, in or out of revenue service**
- **Operation of a non-revenue vehicle requiring a CDL**
- **Controlling movement or dispatch of a revenue service vehicle (determined by employer)**
- **Security personnel who carry firearms**
- **Maintenance of a revenue service vehicle**
- **Contractor employees that stand in the shoes of Transit System employees also must comply.**

**At NASI, Armed Security Supervisors and Officers are considered safety sensitive employees.**

**Medical Review Officer - The Medical Review Officer (MRO) is a person who is a licensed physician responsible for receiving and reviewing laboratory results generated by an employer's drug testing program and evaluating medical explanations for certain drug test results.**

**Substance Abuse Professional (SAP) - A Substance Abuse Professional ("SAP") is a person who evaluates employees who have violated a DOT drug and alcohol regulation as well as makes recommendations concerning education, treatment, follow-up testing and aftercare.**

## **V. ALCOHOL AND DRUG FREE WORKPLACE PROGRAM**

Under U.S.D.O.T. regulations and NASI-mandated policy, NASI has established the following specific policies with regard to on the job use, possession, or sale of alcohol or drugs:

## **VI. ALCOHOL**

- a. **It is prohibited under DOT/FTA regulation to use alcohol 4 hours prior to performing Safety Sensitive functions, or while on call, or while performing Safety Sensitive duty.**
- b. **It is prohibited under DOT/FTA regulation to use alcohol for 8 hours after an accident or until after a Post-Accident test is performed.**
- c. **Employees are prohibited from performing Safety Sensitive functions while having an alcohol of 0.04 or greater.**
- d. **It is prohibited for any employee to use alcohol while performing NASI business, while on NASI property, or in a NASI facility, or while in or operating vehicles or equipment owned or leased by NASI.**
- e. **Possession of alcohol while in or operating a NASI vehicle is prohibited.**
- f. **Use of alcohol or possession of an open container of alcohol while on NASI property or in a NASI facility is prohibited except in conjunction with official NASI functions at designated locations, as approved by the President of NASI or his designate.**
- g. **The off-duty use of alcoholic beverages is prohibited if the off-duty use results in aberrant or impaired behavior, function, or capability while on duty; or if the off-duty use constitutes a violation of DOT regulations. Employees in violation of this rule will be subject to disciplinary action, up to and including discharge.**

## **VII. LEGAL DRUGS**

Any employee utilizing a prescribed medical treatment involving a legal drug or substance which may alter the employee's physical or mental ability to perform the job, must report this treatment to NASI Human Resources or to his/her supervisor. A medical evaluation may then be required to determine what, if any, potential problems are involved with the treatment and will discuss with the supervisor whether a

temporary or permanent change in the employee's job assignment is warranted. During any period that such use of legal drugs adversely affects job performance, the employee will be relieved of his/her job duties or re-assigned by NASI.

## **VIII. ILLEGAL DRUGS**

**The manufacture, distribution, dispensation, possession, use, sale or being under the influence of an illegal drug by any employee while performing NASI business, while on NASI property or in an International facility, or while in or operating vehicles or equipment owned or leased by NASI is prohibited.**

**Use of illegal drugs are prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body at or above the minimum thresholds defined in Part 40.**

**The prohibited drugs include but are not limited to:**

- **Marijuana (THC)**
- **cocaine**
- **phencyclidine (PCP)**
- **opioids**
- **amphetamines**

## **IX. EDUCATION AND TRAINING**

### **A) Employee Awareness**

**In its efforts to develop employee awareness of the hazards of substance abuse, NASI will provide employee awareness components, which may, for example, utilize posters, videotapes, toolbox talks, alcohol and drug awareness days, and distribution of written materials.**

**Information contained within these components will be made available to employees and dependents. FTA also requires safety-sensitive employees to receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.**

### **B) Supervisory Training**

**NASI's Alcohol and Drug Free Workplace Program includes a commitment to train supervisors and managers in identifying and responding to illegal drug use by NASI employees.**

**Supervisors and/or other company officials authorized by the Company to make reasonable suspicion determinations will receive at least 60 minutes of training on the physical, behavioral, and performance indicators of probable drug use and at least 60 minutes on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.**

**In addition, The Company's training program includes the following:**

**A review of NASI's Alcohol and Drug Free Workplace Program; step-by-step instructions: The role of key personnel, such as the designated supervisor and the program administrator.**

**Introduction to supervisory awareness: Fitness for work.**

**If intervention and confrontation: How to handle a confrontation.**

## **X. SUBSTANCE SCREENING**

**NASI is required to test safety sensitive employees falling under D.O.T/F.T.A. regulation and all such testing will be in accordance with 49 CFR Part 40, as amended.**

NASI retains the right to require Company (non-DOT) employees to undergo alcohol or drug screening as described in this Program.

### **The Laboratory**

**When contracting for a drug screening laboratory, NASI will utilize only DHHS-certified laboratories which are able to assure each employee that appropriate DOT methods will be used, laboratory procedures will follow the context of a quality assurance program, and adequately trained personnel will be used in the analysis and interpretation of the specimens. When selecting a laboratory, NASI will consider equipment, personnel, quality assurance, standardized procedures, quality control, and certification.**

## **XI. COLLECTION OF SPECIMENS**

**All FTA drug and alcohol testing will be conducted in accordance with 49 CFR Part 40, as amended. The collection of urine specimens from the employee (donor) is one of the most sensitive aspects of the drug-testing program, and NASI must balance the values of privacy and confidentiality with the accuracy of the tests. Under this Program, NASI will assure each donor that personal dignity and privacy will be respected in reaching its goal of an alcohol and drug free workplace. Both urine and breath or saliva specimens of DOT-covered employees will be collected by trained personnel who have undergone the appropriate collector and BAT qualification training as is required by the DOT. The donor will be present for the entire procedure prior to sending the urine specimen to the laboratory.**

**Observed collections (by a person of the same gender) will be ordered with no advance notice under DOT/FTA Rule 49 CFR Part 40 Section 40.67 and Company policy if:**

**The laboratory reports to the MRO that a specimen is invalid, and the MRO reports that there was not an adequate medical explanation for the result.**

**The MRO reports that the original test had to be cancelled because the split specimen testing could not be performed.**

**The test result is a negative dilute with creatinine in the 2 mg/dL-5 mg/dL range. No retest observed or unobserved will be performed if creatinine is over 5 mg/dL. The negative result will stand.**

**The test is a return to duty test or a follow up test.**

**The collector will immediately conduct a collection under direct observation if:**

**The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen.**

**The temperature on the original specimen was out of range.**

**The original specimen appears to have been tampered with.**

**Testing for the presence of alcohol.** Alcohol testing will be conducted using only DOT-approved screening and confirmation devices. Initial screens indicating a .02 BAC or greater positive result will be confirmed by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing (EBT) device and the tested donor will be presented with a printed copy of the confirmation test result.

## **XII. DRUG SCREENING AND CONFIRMATION**

**Drug screening falls into two categories, initial testing, and confirmation.** The initial testing portion is a series of tests designed to distinguish negative findings from those presumed to be positive. The confirmation test is a more specific second test to positively identify a drug or a drug metabolite.

## **XIII. TEST RESULTS AND SPECIFIC DRUGS TESTED**

**If the initial screening indicates a specimen is non-negative (i.e., positive, adulterated or substituted), a second or confirmation test will be in accordance with part 40 procedures will automatically be made to confirm the initial results. If this confirmation test is negative, the results will be reported as negative and entered into the donor's file as such. However, if the confirmation test also results in a non-negative finding, appropriate action will have to be taken. In cases of this type, the donor can request in writing a copy of the test results. Actual costs associated with the screening and confirmation will be paid by NASI. Test results will be handled in a confidential manner and available only to those individuals who must be made aware.**

As an integral part of our company-wide Drug Free Workplace program, the panel of drugs for NASI (Company/non-DOT personnel) tests conducted will also include testing for the same prohibited drugs as in the DOT panel.

**UNLESS LEGALLY PRESCRIBED BY A LICENSED PHYSICIAN, FEDERAL REGULATION DOES NOT PERMIT THE USE OF MARIJUANA FOR MEDICAL PURPOSES BY DOT/FTA REGULATED EMPLOYEES.**

## **XIV. ACTION LEVELS FOR POSITIVE RESULTS**

**DOT/FTA regulations specifically provide that an employee who engages in prohibited conduct be immediately removed from duty, referred to at least two Substance Abuse Professionals (SAPs) for counseling, and may be subject to additional consequences, up to and including termination, at NASI's sole discretion.**

A violation of this Policy, even a first offense serves as the basis for discipline, including termination. However, employees need to be aware that certain offenses, including but not limited to possession, sales, or use of controlled substances or illegally used drugs on NASI premises, shall result in immediate termination, at NASI's sole discretion.

In addition to any disciplinary action for a violation of this Policy, or while such actions are held in abeyance, NASI may, at its sole discretion, refer the employee for assessment, counseling, and/or a treatment program as applicable.

## **XV. IMMEDIATE CONSEQUENCES FOR VIOLATION OF DRUG AND ALCOHOL RULES**

**Consequences for NASI employees who engage in prohibited conduct may include referral, evaluation, treatment or termination for DOT/FTA or Company policy violations.**



**Specific immediate consequences shall occur whenever an employee:**

**Has a positive drug test, a test refusal, or a confirmed alcohol test result of .04 or greater (see footnote 1 below).**

**Consumes alcohol while performing a Safety Sensitive function or four (4) hours before performing a safety-sensitive function.**

**Consumes alcohol within eight (8) hours following an accident or before he/she is tested, whichever occurs first.**

**Refuses to submit to a test as required.**

**The immediate consequences chosen by NASI for DOT/FTA and Company policy violations are:**

**Any safety-sensitive or non-safety-sensitive employee that has a positive drug test or alcohol test result at .04 or above and test refusal will be immediately removed from his/her position, informed of educational and rehabilitation programs available and referred to at least two Substance Abuse Professionals (SAPs) for assessment. (For non-safety sensitive employees, referral will be made to a substance abuse counselor). A positive drug and/or alcohol test or test refusal will also result in termination. The cost of any treatment or rehabilitation services will be paid directly by the employee.**

## **XVI. RESERVATION OF RIGHTS**

NASI reserves the right to interpret, change, or rescind this Drug and Alcohol Policy in whole or in part with or without notice, subject to any state and Federal laws and relevant collective bargaining agreements.

The Drug and Alcohol Policy does not create a binding employment contract or modify an existing contract.

## **XVII. IDENTIFICATION OF SUBSTANCE ABUSERS**

**In order to implement this Alcohol and Drug Free Workplace Program, it will be necessary not only to identify substance abusers prior to employment, but also to identify those abusers who may be currently employed. To accomplish this, NASI has established, as part of its substance abuse program, the following screening (testing) procedures to deter and detect the abuse of alcohol and the use of illegal drugs and controlled substance. Compliance with this Program will be considered a condition of employment.**

## **XVIII. PRE-EMPLOYMENT TESTING**

**All covered applicants, after an offer of employment in a Safety-Sensitive Covered Position will be required to undergo drug testing as a condition of employment in accordance with 49 CFR**

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**1 DOT-covered EMPLOYEES and others in safety sensitive positions who have a BAC of .02 to .039 will be removed immediately from performing any safety-sensitive functions for at least 8 hours, or until a retest shows a BAC concentration below 0.02. The employee will not be subject to evaluation by a SAP or a return-to-duty test. However, the COMPANY may take additional disciplinary action under its own authority. Those with a BAC level of .04 and above will be deemed to have violated DOT/FTA alcohol regulations.**

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Part 655 as part of the pre-employment process. Employment of the applicant is contingent upon his or her passing the drug screening, which includes a urine test for drugs. Should the applicant fail to pass the screening because of a positive drug test result, the applicant's job offer will be immediately rescinded. A pre-employment negative test result is required prior to 1<sup>st</sup> Safety Sensitive duty and test must first be made up if cancelled.

When a covered employee or applicant has not performed a safety-sensitive function for at least 90 consecutive calendar days regardless of the reason, and the employee has not been in the Company's random selection pool during that time, the FTA requires the Company shall ensure that the employee takes a pre-employment drug test with a verified negative result prior to the performance of a Safety Sensitive function.

Covered applicants will be asked to give consent for a background check of Drug/Alcohol test records covering the past two years of their previous DOT covered employer(s). Records to cover include:

- Alcohol test results of .04 or higher BAC

- Verified positive drug tests

- Refusals to be tested

- Any other DOT agency drug and alcohol violation.

Any applicant who fails to pass pre-employment drug testing is not eligible for re-testing and possible employment for a period of twelve (12) months. After 12 months such applicant may be reconsidered if they evidence of a successful rehabilitation program as determined by a Substance Abuse Professional. In addition, applicant will have to pass a pre-employment drug test.

## **XIX IN-SERVICE TESTING FOR EMPLOYEES**

Employees of NASI, whose position is designated as one covered under the FTA regulation (will be required to undergo random, post-accident, reasonable suspicion. If re-hired following termination for a prior violation, the employee also will be subject to return-to-duty and follow-up testing.

Employees who fail to pass in-service drug and/or alcohol screening will be considered to be in violation of this Program and will be subject to the disciplinary actions described in the Program.

### **A. RANDOM TESTING**

Random drug and alcohol tests are unannounced and unpredictable, and the dates for administering random tests are spread reasonably throughout the calendar year. Random testing will be conducted at all times of the day when safety-sensitive functions are performed.

Testing rates will meet or exceed the minimum annual percentage rate set each year by the FTA administrator. The current year rates can be viewed online at [www.transportation.gov/odapc/random-testing-rates](http://www.transportation.gov/odapc/random-testing-rates).

The selection of employees for random drug and alcohol testing will be made by a scientifically valid method, such as a random number table or a computer-based random number generator. Under the selection process used, each covered employee will have an equal chance of being tested each time selections are made.

Random alcohol testing of covered employees will be conducted just before, during or just after performing safety sensitive function. Random testing for prohibited drug use may occur anytime while the employee is on duty.

Each covered employee who is notified of selection for random drug and/or random alcohol testing must immediately proceed to the designated testing site.

## **B. REASONABLE SUSPICION TESTING**

A DOT/FTA or company employee may be tested for alcohol or drug abuse under this section when NASI has reasonable suspicion to believe that a covered employee has used a prohibited drug and/or engaged in alcohol misuse. A reasonable suspicion referral will be made by a trained supervisor or other trained company official on the basis of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the covered employee.

Covered employees may be subject to reasonable suspicion drug testing any time while on duty. Alcohol testing of covered employees is only permitted just before, during or just after the employee's performance of safety sensitive function.

## **C. POST-ACCIDENT TESTING**

Adherence by DOT/FTA or company employees to post-accident specimen collection requirements is a condition of continued employment. Required testing must not cause a delay in receiving medical treatment.

Covered employees shall be subject to post-accident testing under the following circumstances:

**Fatal Accidents:** As soon as practicable after an accident involving human fatality, drug and alcohol tests will be conducted on each surviving covered employee operating the vehicle at the time of the accident. In addition, any other covered employee whose performance could have contributed to the accident, as determined by the Company using the best information available at the time of the decision, will be tested.

**Non-fatal Accidents:** As soon as practicable after an accident NOT involving a human fatality, drug and alcohol tests will be conducted on each covered employee operating the vehicle at the time of the accident if at least one of the following conditions is met: 1) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, unless the employee can be completely discounted as a contributing factor to the accident ; or 2) one or more of the vehicles incurs disabling damage and must be towed away from the scene, unless the employee can be completely discounted as a contributing factor to the accident.

Following an accident, the covered employees must be tested as soon as possible, but not to exceed 8 hours for alcohol testing and 32 hours for drug testing. Any delay of alcohol testing exceeding two (2) hours from the time of the accident must have the reason and circumstances documented. Any covered employee must refrain from alcohol use for 8 hours following the accident or until he/she undergoes an alcohol test. A covered employee who leaves the scene of an accident without justifiable explanation will be considered to have refused the test.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident or to prohibit a covered employee from leaving the scene

**of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.**

Company Personnel (non-DOT): An accident is defined as property damage in excess of \$1,500.00 or an OSHA reportable accident. In cases involving post-accident screening of Non DOT personnel, the screening will be conducted within four (4) hours of the time of the accident whenever possible; however NASI may conduct testing up to 48 hours following an accident if the four hours limit cannot be met.

#### **D. RETURN-TO-DUTY AND FOLLOW-UP TESTING**

**Conducted in accordance with Part 40, Subpart O, any employee, whose employment with NASI was terminated due to a positive drug test or alcohol test result at .04 or above or test refusal, *should they be considered for re-hire*, must initially pass a return-to-duty test and be subject to follow-up testing. The number, frequency, and duration of such testing will be determined by the SAP, but will at a minimum include a minimum of six (6) follow-up drug tests over the subsequent twelve months of re-employment and may continue for up to 60 mos. Urine specimen collection for these tests must be directly observed. Follow-up tests will be in addition to any other tests required under this policy.**

#### **XX TESTING UPON RE-HIRE WITHIN THREE MONTHS**

**A covered employee, whose employment with NASI is interrupted for reasons other than a violation of this policy, will not be required to undergo additional pre-employment drug testing upon return to the workplace as long as the employee's return occurs within the 90 days period following the employee's last day of duty.**

#### **XXI REFUSAL TO SUBMIT TO TESTING**

**An applicant who refuses to submit to drug and/or alcohol testing is in violation of policy and will not be considered for employment by NASI.**

**An employee who refuses to submit to drug and/or alcohol testing in accordance with NASI Policy will be in violation of NASI Policy and will be subject to discharge.**

**It is considered a refusal to test by a covered employee if they:**

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by NASI.**
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.**
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.**
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.**
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.**
- (6) Fail or decline to take a second test as directed by the collector or NASI for drug testing.**

- (7) Fail to undergo a medical evaluation as required by the MRO or NASI's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available for testing following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test. The consequences for a test refusal is equivalent to a positive test result and the employee will be immediately removed from performing safety-sensitive functions and referred to a SAP.

## **XXII CONFIDENTIALITY AND RELEASE OF INFORMATION**

1. NASI shall release information regarding a covered employee's record as directed by specific, written consent from the employee authorizing release of the information to an identified person.
2. A covered employee is entitled, upon written request, to obtain copies of any records pertaining to his/her use of prohibited substances, including any records pertaining to test results.
3. NASI may disclose information that is required to be maintained to the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee tested.
4. When requested by the National Transportation Safety Board as part of an accident investigation, NASI shall disclose information related to its administration of drug and alcohol tests following the accident investigation.
5. Records shall be made available to subsequent employers upon receipt of written release from the covered employee.
6. NASI shall disclose data for its drug and alcohol testing program and any other information pertaining to its anti-drug program, when requested by the Secretary of Transportation or any DOT agency with regulatory authority over NASI.
7. To be considered for employment, all applicants will be asked to give consent to NASI for a background check of the applicant's previous DOT covered employer over the past two years.

## **XXIII EMPLOYEE RESPONSIBILITY**

It is a condition of employment that all employees abide by the terms of the DOT/FTA mandated program and NASI's Alcohol and Drug Free Workplace Program. In the event of any conviction for a criminal drug violation occurring on NASI premises, in a NASI facility, or while in or operating a NASI vehicle, the employee must notify the Director of Corporate Safety within five (5) days of the date of the conviction. Any employee who is convicted for manufacturing, selling, distributing, or possessing with the intention to distribute illegal or controlled substances, whether on duty or

off duty, **will be discharged**. Any employee who pleads guilty or nolo contendere to any of the aforementioned drug related offenses will be discharged.

Any employee wishing to question the results of a required non-DOT Company drug test may request that the original sample be retested. **Any employee wishing to question the results of a required DOT/FTA drug test may request that the original sample be retested. The test must be conducted at a different DHHS-certified laboratory. The request for retest must be made to the Medical Review Officer within 72 hours of the result notification. Requests after the 72 hour time frame will be accepted only if the delay is a result of verifiable facts beyond control of employee.** Employee may be required to pay for the retest.

#### **XXIV. PROGRAM CLARIFICATION AND ADMINISTRATION CONTACT**

A full copy of this NASI's Alcohol and Drug Free Workplace Policy will be provided to all applicants and employees. Each applicant and employee shall read and understand this Policy and sign the Alcohol and Drug Free Workplace Acknowledgment form (Exhibit A, attached). This Acknowledgment will then be retained in the employee's personnel file.

All classified advertisements for employment with NASI will advise perspective applicants that NASI has an Alcohol and Drug Free Workplace Program.


**Questions regarding any provision of either this Drug-Free Workplace Program or this written Policy should be directed to:**

**Ms. Sherry Tate, Recruiter: 310-730-5974**

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#### **ACKNOWLEDGEMENT OF NASI, INC. DRUG AND ALCOHOL POLICY**

**I, Kenneth Hillman, President of NASI, Inc. acknowledge that I have read, understand, and approve NASI, Inc. Drug and Alcohol Policy as revised on 6/12/2019.**

Kenn Hillman, President        
Printed Name                      President Signature

**Exhibit A**

**ACKNOWLEDGMENT OF NASI'S DRUG AND ALCOHOL POLICY**

**I, the undersigned, hereby acknowledge and agree:**

- a) I have received an unabridged copy of NASI U.S. D.O.T.-required and NASI-required Company Alcohol and Drug Free Workplace Policy, including Exhibits A & B;
- b) I have read the Policy in its entirety and fully understand the implications of the Policy with regard to its affecting my employment or continued employment with NASI;
- c) My employment and continued employment is contingent upon full compliance with the program;
- d) I will fully comply with said Policy during the term of my employment with NASI, its subsidiaries, divisions or affiliates.
- e) I am aware that I will be tested for prohibited drug use and alcohol misuse under certain circumstances specified in the policy.

I further acknowledge that my employment with NASI is contingent upon my ability to successfully pass a pre-employment drug screening. Should I be employed by NASI, my continued employment with NASI will be contingent upon my ability to successfully pass in-service drug and alcohol screening as required under U.S.D.O.T. regulations and/or NASI Policy. Should this screening produce a confirmed and Medical Review Officer verified positive test result or test refusal, I will be immediately discharged from NASI.

I understand that results of my drug tests will be kept confidential within NASI Human Resources Department and maintained by their authorized personnel only, but if necessary, that such results may be released to the DOT, FTA, or other agency authorized by law or regulations to receive them without my prior consent. I will have full access to my records upon written request to the Human Resources Coordinator of NASI.

**ACKNOWLEDGED AND AGREED-TO DATE:** \_\_\_\_\_

Employee name **PRINTED** \_\_\_\_\_

Employee **SIGNATURE** \_\_\_\_\_

**Witness Signature** \_\_\_\_\_

**Title** \_\_\_\_\_

**This acknowledgment will be maintained in the employee's personnel file.**